

## **Exhibit 2**

U.S. Department of Homeland Security

February 1, 2021

CERTIFIED – RETURN RECEIPT REQUESTED



One East Bay Street  
Savannah, Ga 31401

U.S. Customs and  
Border Protection

Sea Shipping Line  
19221 I-45, Suite 450  
Shenandoah, TX 77385

My Equipment, LLC  
1400 Broadfield Blvd., Suite 200  
Houston, TX 77084

Re: Case Number 2021-1703-000025-01

Dear Sir/Madam:

This is to notify you that U.S. Customs and Border Protection (“CBP”) seized the property described below at the Port of Savannah, Georgia on January 14, 2021:

1 each 1999 Caterpillar Motor Grader Model 160H, Serial # 9EJ00721

The total appraised domestic value of the property is \$60,000.00.

The property was seized and is subject to forfeiture under the provisions of 22 U.S.C. § 401 and 19 U.S.C. § 1595a(d) for violations of 19 C.F.R. § 192.2, 15 C.F.R. § 30.71, 15 C.F.R. § 30.6, and 15 C.F.R. § 30.10, which prohibit the exportation of merchandise that is not properly validated by U.S. Customs and Border Protection as required and for the failure to properly describe/classify the machinery.

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the options available to you concerning this seizure. An important document – an “Election of Proceedings” form – is enclosed with this letter. You must choose one of the options outlined below, indicate your choice on the “Election of Proceedings” form, and return it and any other necessary documents to CBP within the allotted time frame. Should you choose to abandon the property, you must still complete the “Election of Proceedings” form and return it to CBP.

Your options are as follows:

1. **Petition:** You may file a petition with this office within 30 days from the date of this letter in accordance with title 19 United States Code (U.S.C.), section 1618 (19 U.S.C. §1618) and title 19, Code of Federal Regulations (C.F.R.), section 171.1 and 171.2 (19 C.F.R. §§ 171.1, 171.2), seeking remission of the forfeiture. The petition does not need to be in any specific form, but it must describe the property involved, identify the date and place of the seizure, include all the facts and circumstances which you believe warrant relief from forfeiture, and must include proof of your interest in or claim to the

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property. Examples of proof of interest include but are not limited to a car title, loan agreement, or documentation of the source of funds. If you choose this option, you must check Box 1 on the “Election of Proceedings” form.

By completing Box 1 on the “Election of Proceedings” form, you are requesting administrative processing of your case by CBP. You are requesting that CBP refrain from beginning forfeiture proceedings while your petition is pending, or that CBP halt administrative forfeiture proceedings, if they have already commenced. However, if CBP has already referred the matter to the United States Attorney’s Office for the institution of judicial forfeiture proceedings, your petition will be forwarded to the United States Attorney for consideration.

If you are dissatisfied with the petition decision (initial petition or supplemental petition), you will have an additional 60 days from the date of the initial petition decision, or 60 days from the date of the supplemental petition decision, or such other time as specified by the Fines, Penalties and Forfeitures Officer to file a claim to the property, along with the required cost bond, requesting referral of the matter to the U.S. Attorney’s Office for judicial action. If you do not act within these time frames, CBP may forfeit the property to the United States as authorized by law.

At any point prior to the forfeiture of the property, you may request a referral to the U.S. Attorney by filing a claim and cost bond. *Please see section 4 of this letter for information on how to file a claim and cost bond.* If you take such action after filing a petition for relief, your pending petition will be withdrawn from consideration.

2. **Offer in Compromise:** At any time prior to forfeiture, you may file an offer in compromise in accordance with title 19, U.S.C., section 1617 (19 U.S.C. § 1617) and title 19, C.F.R., sections 161.5 and 171.31 (19 C.F.R. §§ 161.5, 171.31). The offer must specifically state that you are making it under the provisions of 19 U.S.C. § 1617. If you are offering money in settlement of the case, you must include payment (bank draft, cashier’s check or certified check, drawn on a U.S. financial institution, and made payable to CBP) in the amount of your offer. CBP may only consider the amount of your offer and will return the full offer if it is rejected. *This option may serve to delay the case. If you choose this option, you must check Box 2 on the “Election of Proceedings” form.*

If you choose to submit an offer in compromise and are dissatisfied with the offer decision, you will have an additional 30 days from the date of the offer decision to file a claim and bond requesting a referral for judicial action. If you do not act within the additional 30 days, the property may be forfeited to the United States.

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You may also request a referral for judicial action at any point prior to the issuance of the offer in compromise decision. (*Please see section 4 of this letter for information on how to file a claim and cost bond.*) If you take such action, your petition or offer will be considered to have been withdrawn.

If, upon receipt of your offer, the matter has already been referred to the United States Attorney for the institution of judicial forfeiture proceedings, your offer will be forwarded to the United States Attorney for consideration as an offer of settlement in the judicial case, as appropriate.

3. **Abandon:** You may abandon the property or state that you have no claim or interest in it. If you choose this option, you should check Box 3 on the "Election of Proceedings" form. The Government may proceed with forfeiture proceedings, or address claims from other parties concerning the property, without further involving you.
4. **Court Action:** You may request to have this matter referred to the United States Attorney for institution of judicial forfeiture proceedings by notifying the office identified in this letter, in writing, that you do not intend to file a petition or offer in compromise with CBP or post the value of the merchandise to obtain its release on payment (see below). If you choose this option, you should check Box 4 on the "Election of Proceedings" form.

If you chose this option you must submit to CBP (at the address provided at the end of this letter) a claim and cost bond in the penal sum of \$5,000 or 10 percent of the value of the claimed property, whichever is less, but in no case shall the amount of the bond be less than \$250.00.

If you file the claim and bond, the case will be referred promptly to the appropriate United States Attorney for the institution of judicial proceedings in Federal court to forfeit the seized property in accordance with title 19, U.S.C., section 1608 (19 U.S.C. § 1608) and title 19, C.F.R., section 162.47 (19 C.F.R. § 162.47). You may then file a petition for relief with the Department of Justice pursuant to title 28, C.F.R., part 9 (28 C.F.R. pt. 9). Failure to submit a bond with the claim will render the request for judicial proceedings incomplete, and therefore, defective. This means that the case will NOT be referred to the appropriate United States Attorney.

If you wish the Government to seek judicial forfeiture proceedings but cannot afford to post the bond, you should contact the Fines, Penalties & Forfeitures Officer or Asset Forfeiture Officer of CBP (where applicable) so that CBP can make a determination of your financial ability to pay the bond. If a determination of inability to pay is made, the cost of the bond may be waived in its entirety. The case will be referred promptly and

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you may then file a petition for relief with the Department of Justice pursuant to title 28, C.F.R., part 9 (28 C.F.R. pt. 9).

5. **Take no action:** If you choose to do nothing, CBP may seek to forfeit the property. In order to obtain forfeiture, CBP must publish a notice of seizure and intent to forfeit for 30 consecutive days, and after that time the Government acquires full title to the seized property. The first notice will be posted on or about 30 days from the date of this letter.

For property appraised in excess of \$5,000, CBP will post notice seizure and intent to forfeit on the internet at [www.forfeiture.gov](http://www.forfeiture.gov) for 30 consecutive days.

For property appraised at \$5,000 or less, CBP will post notice of seizure and intent to forfeit in a conspicuous place accessible to the public at the customhouse or Border Patrol sector office (where appropriate) nearest the place of seizure as well as on the internet at [www.forfeiture.gov](http://www.forfeiture.gov) for 30 consecutive days.

**Release on Payment:** If the seized merchandise is not, by law, prohibited from entry into the commerce of the United States, you may, within 30 days of this letter, submit an offer to pay the full appraised domestic value of the seized property accompanied by the full payment (bank draft, cashier's check or certified check, drawn on a U.S. financial institution, and made payable to CBP) or an irrevocable letter of credit in accordance with title 19, U.S.C., section 1614 (19 U.S.C. § 1614) and title 19, C.F.R., section 162.44 (19 C.F.R. § 162.44).

If CBP accepts your offer to substitute release of the seized property on payment, the property will be immediately released, and the payment or letter of credit will be substituted for the seized property. You may still submit a petition, offer in compromise, or file a claim and cost bond requesting that the matter be referred to the U.S. Attorney's Office and you must check the appropriate box on the "Election of Proceedings" form. The decision letter on your offer will provide you with the time frames for those options.

If, upon receipt of your offer, the matter has already been referred to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings, your offer will be forwarded to the U.S. Attorney for consideration.

**Holder of a lien or security interest:** If you are a holder of a lien or security interest and you do not file a request for court action (option 4 above), you may avail yourself of any of the other options listed. No relief will be granted to you until after forfeiture, unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or person from whom the property was seized.

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In addition to the seizure and forfeiture liability, you may be liable for a civil penalty in this matter. If you are liable for a civil penalty, details on the civil penalty are in the attached letter; or, if not attached, are being prepared and will be mailed shortly.

No matter which box you check on the enclosed "Election of Proceedings" form, you should sign, date and return the form, along with any petition, offer in compromise, or request for judicial forfeiture proceedings if those documents are necessary to support the option you choose. *If you did not receive this form, please call the telephone number below.*

**All accompanying documents, including supporting documents, must be in the English language or accompanied by an English language translation, and submitted in duplicate.**

All correspondence should be addressed to U.S. Customs and Border Protection, Attention: Fines, Penalties & Forfeitures Office, One East Bay Street, Savannah, Georgia 31401.

Should further information be required, contact the Fines, Penalties and Forfeitures Office at 912-447-9440 or CBP.Sav-FPF@dhs.gov. Inquiries should reference the case number.

Sincerely,



✓ Tracey Marquez  
Fines, Penalties and Forfeitures Officer

Enclosures: Election of Proceedings- Non-CAFRA Form

A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO PROSECUTION  
UNDER TITLE 18, U.S.C., SECTION 1001 AND/OR 1621, AND MAY BE PUNISHABLE  
BY A FINE AND IMPRISONMENT

**ELECTION OF PROCEEDINGS- NON-CAFRA FORM**

**NOTE: PLEASE READ THE LETTER "NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS" BEFORE YOU FILL OUT THIS FORM. THIS FORM SHOULD BE COMPLETED AND RETURNED TO U.S. CUSTOMS AND BORDER PROTECTION (CBP) AT Fines, Penalties & Forfeitures Office, One East Bay Street, Savannah, Georgia 31401.**

I (Sea Shipping Line) understand that property in which I have an interest has been seized by U.S. Customs and Border Protection Service ("CBP") under Case Number 2021-1703-000025-01.

Check ONLY ONE of the five following choices:

- 1. I REQUEST THAT CBP CONSIDER MY PETITION ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My petition is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by title 19, United States Code (U.S.C.), section 1607 (19 U.S.C. § 1607) and title 19, Code of Federal Regulations (C.F.R.), section 162.45 (19 C.F.R. § 162.45), or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by title 19, U.S.C., section 1608 (19 U.S.C. § 1608) and title 19 C.F.R., section 162.47 (19 C.F.R. § 162.47). If administrative forfeiture has begun, it will be stopped until my petition is considered. However, I understand that *at any time* I can request, in writing, that you begin administrative forfeiture proceedings, and you will continue to consider my petition. I also understand that *at any time* I can file a claim and bond with CBP and CBP's consideration of my petition will stop and the case will be sent to the United States Attorney's Office for court action.
- 2. I REQUEST THAT CBP CONSIDER MY OFFER IN COMPROMISE ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My offer is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by title 19, U.S.C., section 1607 (19 U.S.C. § 1607) and title 19, C.F.R., section 162.45 (19 C.F.R. § 162.45), or (2) have the case immediate referred to the U.S. Attorney for court action, as provided by title 19, U.S.C., section 1608 (19 U.S.C. § 1608) and title 19, C.F.R., section 162.47 (19 C.F.R. § 162.47). If administrative forfeiture has begun, it will be stopped until my offer is considered. However, I understand that *while my offer is under consideration* I can request, in writing, that CBP begin administrative forfeiture proceedings, and CBP will continue to consider my offer. I also understand that *while my offer is under consideration* I can file a claim and cost bond with CBP and CBP's consideration of my offer will stop and the case will be sent to the U.S. Attorney's Office for court action.
- 3. I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
- 4. I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION.** Please immediately refer the case to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings. I am filing/will file a claim and bond with CBP.
- 5. I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit the property, and consider any petition or offer in compromise which I may timely file. I understand that within thirty (30) days of the first publication of the notice, I can request that CBP send the case to the U.S. Attorney's Office for institution of judicial forfeiture proceedings.

Name (Print)

Date

Signature



1400 Broadfield Blvd Suite 200 Houston, TX 77084  
Tel: 281-934-4000 Fax: 281-934-4003  
Email: sales@my-equipment.com  
Web: www.my-equipment.com

**SOLD TO** Smitma b.v.  
Columbusweg 13  
Trade Port 8333  
5928 LA Venlo Holland  
Tel. +31 77 3999 840

**SHIP TO** Dutch/Belgian Port Inside  
40ft Container.

**Salesperson Initial:** \_\_\_\_\_

**Customer Initial (Title) \_\_\_\_\_**

Martijn van de Weijer

Stamp: \_\_\_\_\_ Date: \_\_\_\_\_

[www.my-equipment.com](http://www.my-equipment.com)